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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,731	08/19/2003	Masamichi Ebata	03500.017487.	3791
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EXAMINER				
PATEL, CHIRAG R				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
08/25/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,731

Applicant(s)

EBATA, MASAMICHI

Examiner

CHIRAG R. PATEL

Art Unit

2454

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.6-10.13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) 20-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.6-10.13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 13, 2009 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 6-10, 13, and 15-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 6-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 1, "system" is directed to "software steps per se", and thus fails to fall within a statutory category of invention. These steps fail to be embodied on a medium or a hardware structure that meets a statutory category of invention.

Claims 6-9 are rejected under 101 due to its dependence on claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-10, 13, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gase (US 5,580,177) in view of Billow et al. - hereinafter Billow (US 2005/0141008) / Appiah et al. – hereinafter Appiah (US 7,401,113).

As per claims 1, 10, and 19, Gase discloses an information processing apparatus having a plurality control modules, including first and second print control modules, for performing processing corresponding to printer functions, each print control module supporting a plurality of types of printers and further having a management table that contains identification information of the first print control module, and printer type information regarding printers supported by the first print control module, (Col 3 lines 51 - Col 4 line 2; printer/driver table 36 that associates each printer connected to file server 16 with a printer driver) said information processing apparatus comprising:

an updating unit configured to update the management table by recording identification information of the second print control module, (Col 4 lines 10-26)

and the printer type information obtained by said obtaining unit in the management table, (Col 4 lines 10-26)

if at least one printer type of the printer type information for the second print control module obtained by said obtaining unit is identical to at least one printer type of the printer type information for the first print control module contained in the management table and if the version information of the second print control module obtained by said obtaining unit is newer than the version information of the first print control module contained in the management table; (Col 4 lines 10-26)

a recognition unit configured to recognize a printer type of a certain printer; (Col 6 lines 3-17)

a selection unit configured to select one of the first and second print control modules in correspondence with the printer type information recognized by said recognition unit by referring to the management table updated by said updating unit and (Col 6 lines 3-17)

an execution unit configured to execute the print control module selected by said selection unit. (Col 6 lines 18-44)

Gase fails to disclose an obtaining unit configured to obtain, from the second print control module, version information of the second print control module and printer type information regarding the plurality of types of printers supported by the second print

control and to updating the management table by recording version information of the first and second print control module. Billow discloses obtain, from the print control module, version information of the print control module and printer type information regarding the plurality of types of printers supported by the print control. (Billow; [0035]; acquiring and identifying the printer media and the printer driver version. In the preferred embodiment, the printer driver version is determined when the user examines the list of printers that are supported) Appiah discloses updating the management table by recording version information of the first and second print control module. (Col 5 line 65 – Col 6 line 13) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Gase to disclose an obtaining unit configured to obtain, from the second print control module, version information of the second print control module and printer type information regarding the plurality of types of printers supported by the second print control and to updating the management table by recording version information of the first and second print control module. The motivation would have been to automate driver setting and color management for the user while requiring very little user intervention (Billow, [0010]) and to properly identify drivers to be installed. (Appiah; Col 1 lines 46-55)

As per claims 6 and 15, Gase / Billow / Appiah disclose the information processing apparatus according to Claim 1. Appiah discloses further comprising a setting unit configured to set the print control module for the version information

selected by said selection unit such that the print control module can control the printer.
(Col 5 line 65-Col 6 line 13)

As per claims 7 and 16, Gase / Billow / Appiah disclose the information processing apparatus according to claim 6. Appiah discloses further comprising a control unit configured to inhibit activation of a print control module for the version information that is not selected by said selection unit. (Col 5 lines 50-60)

As per claims 8 and 17, Gase/ Billow / Appiah disclose the information processing apparatus according to claim 6. Appiah discloses further comprising:

an identification unit configured to identify a first control program that controls the printer not based on a selection result by said selection unit and a second control program that controls the printer based on a result by said selection unit; and (Col 7 lines 30-41)

an activation control unit configured to perform control such that the first control program is activated when said identification unit recognizes that the first control program exists. (Col 6 lines 51-58)

As per claims 9 and 18, Gase / Billow / Appiah disclose the information processing apparatus according to claim 6. Gase discloses wherein the information

processing apparatus according to Claim 6, wherein said setting unit recognizes that the print control module can control a printer among printers supported by the print control module when a database file exists that stores control conditions and control variables for the printer. (Col 4 line 67 – Col 5 line 30)

As per claim 13, Gase / Billow / Appiah discloses the control method according to claim 10. Gase discloses wherein said correspondence information is recorder in a table format, in said recording step, the correspondence information including the printer type information, and identification information for the print control module. (Col 3 line 51-Col 4 line 2) Gase fails to disclose to updating the management table by recording version information. Appiah discloses updating the management table by recording version information. (Col 5 line 65 – Col 6 line 13) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Gase to disclose to updating the management table by recording version information. The motivation would have been to properly identify drivers to be installed. (Col 1 lines 46-55)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to

4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/C. R. P./
Examiner, Art Unit 2454

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2454